

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PETER F. GAITO ARCHITECTURE, LLC d/b/a
PETER F. GAITO AND ASSOCIATES,

Plaintiff,

– against –

SIMONE DEVELOPMENT CORP., SIMONE
CHURCH STREET LLC, JOSEPH SIMONE,
THOMAS METALLO, SACCARDI & SCHIFF,
INC., TNS DEVELOPMENT GROUP LTD., and
SLCE ARCHITECTS, LLP

Defendants.
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MEMO ENDORSED

08 CIV. 6056
JUDGE CONNER
Dk # _____

**ORDER TO SHOW CAUSE
FOR PRELIMINARY
INJUNCTION AND
TEMPORARY
RESTRAINING ORDER**

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: _____

Upon the Affidavit of Peter F. Gaito, sworn to on the 16th day of June 2008, Affidavit of Peter F. Gaito, Jr. sworn to on the 30th day of June 2008, the accompanying Affirmation of Austin Graff, averred to on the 1st day of July 2008, the accompanying Memorandum of Law, and upon the copy of the Complaint hereto annexed, it is

ORDERED, that the above named Defendants show cause before a
✓ motion term of this Court at Room ___, United States Courthouse, 300
Quarropas Street, White Plains, County of Westchester, State of New York, on
✓ _____, 2008 at _____ o'clock in the _____ noon thereof, or
as soon thereafter as counsel may be heard, why an order should not be issued
pursuant to Rule 65 of the Federal Rules of Civil Procedure enjoining the
Defendants during the pendency of this Action from using, possessing, basing
their designs upon, copying, or reproducing the Plaintiff's copyrighted designs
for the development of the air rights above the Church Division Garage located
in the City of New Rochelle, New York's downtown that was the basis of the

City of New Rochelle's awarding the development rights to the Defendant Simone Development Corp.; and its is further

ORDERED, that, sufficient reason having been shown therefore, pending the hearing of Plaintiff's application for a preliminary injunction, pursuant to Rule 65, Fed. R. Civ. P., the Defendants are temporarily restrained and enjoined from using, possessing, basing their designs upon, copying, or reproducing the Plaintiff's copyrighted designs for the development of the air rights above the Church Division Garage located in the City of New Rochelle, New York's downtown that was the basis of the City of New Rochelle's awarding the development rights to the Defendant Simone Development Corp; and its further

✓ **ORDERED** that security in the amount of \$0.00 be posted by the Plaintiff
 ✓ prior to _____, 2008, at _____ o'clock in the ____ noon of that day; and it is further

ORDERED, that personal service of a copy of this order, the Affidavit of Peter F. Gaito, sworn to on the 30th day of June 2008, Affidavit of Peter F. Gaito, Jr. sworn to on the 16th day of June 2008, the accompanying Affirmation of Austin Graff, averred to on the 1st day of July 2008, the accompanying Memorandum of Law, and upon the copy of the Complaint
 ✓ hereto annexed on or before ____ o'clock in the ____ noon, _____, 2008 shall be deemed good and sufficient service thereof upon the Defendants and the City of New Rochelle.

Dated: White Plains, New York
 ✓ Issued: _____

Denial for the reasons stated on the record of July 2, 2008.
~~So ORDERED.~~

 United States District Judge